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**From:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Sent:** 7/24/2019 1:19:16 AM  
**To:** Wade, Alexis [Wade.Alexis@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Subject:** Re: NJ ESA thoughts

A few thing policy side, **Ex. 5 AC/DP**

**Ex. 5 AC/DP**

Sent from my iPhone

On Jul 23, 2019, at 9:13 PM, Wade, Alexis <Wade.Alexis@epa.gov> wrote:

Sorry, I never got a chance to get those docs from you. Just running around like a chicken with my head cut off. At some point tomorrow, do you mind scanning the document that says we consulted in NJ voluntarily? Thank you!

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Hurlid, Kathy  
**Sent:** Friday, July 19, 2019 12:12 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: NJ ESA thoughts

Internal, deliberative, attorney client communications

Okay, there are more files than I have time for. Do one of you want to swing by to see which you want? I have talking points for Carol Browner to the Senate on the issue, (so we could pull up the testimony which was prior to revisions to ESA and thus they could have changed EPA's position), analyses by FWS – which we did not agree with but it lays out the counter argument, have memos on the approval saying we engaged in “informal” at their request, not because of obligation. Etc.....

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**From:** Kupchan, Simma  
**Sent:** Thursday, July 18, 2019 5:01 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: NJ ESA thoughts

Thanks. Alexis is taking the lead, so defer to her.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hurl, Kathy  
**Sent:** Thursday, July 18, 2019 4:59 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** Re: NJ ESA thoughts

Sorry, line dropped. Let me know what you want me to focus on/ add. Obviously copies of communication on the NJ informal because not discretionary action. Anything else?

Sent from my iPhone

On Jul 18, 2019, at 11:40 AM, Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)> wrote:

I'll give you a call.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hurl, Kathy  
**Sent:** Thursday, July 18, 2019 11:31 AM  
**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Cc:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Subject:** Re: NJ ESA thoughts

Please include mike McDavit on this distribution and any meetings my schedule invites.  
Thanks

Sent from my iPhone

On Jul 18, 2019, at 8:17 AM, Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)> wrote:

I also have a meeting at 11:30. Later, after 1230 would be better for me.

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Hurl, Kathy  
**Sent:** Thursday, July 18, 2019 10:26 AM  
**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>  
**Cc:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Calli, Rosemary

<Calli.Rosemary@epa.gov>; Kupchan, Simma  
<Kupchan.Simma@epa.gov>; McGill, Thomas  
<McGill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>;  
Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Subject:** Re: NJ ESA thoughts

I cannot join at 11:30. There is no one in water that can join everyone  
ther. You may want to invite Phyllis Feinmark and or bob Montgomery's  
as Phyllis helped craft the NJ MOA and Bob oversees the NJ program

Sent from my iPhone

On Jul 18, 2019, at 7:19 AM, Laycock, Kelly <Laycock.Kelly@epa.gov>  
wrote:

Sorry for all the changes, going back to 1130 to  
accommodate the most schedules. Conference line info  
added.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

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**From:** Wade, Alexis  
**Sent:** Thursday, July 18, 2019 9:57 AM  
**To:** Calli, Rosemary <Calli.Rosemary@epa.gov>;  
Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurl, d,  
Kathy <Hurl.Kathy@epa.gov>; Laycock, Kelly  
<Laycock.Kelly@epa.gov>; McGill, Thomas  
<McGill.Thomas@epa.gov>; Hicks, Matt  
<Hicks.Matthew@epa.gov>; Nagrani, Kavita  
<Nagrani.Kavita@epa.gov>  
**Subject:** RE: NJ ESA thoughts

Simma and I have our front office meeting  
from 11-11:30.

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Calli, Rosemary  
**Sent:** Thursday, July 18, 2019 9:54 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>;  
Hurl, d, Kathy <Hurl.Kathy@epa.gov>; Wade, Alexis  
<Wade.Alexis@epa.gov>; Laycock, Kelly

<[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; McGill, Thomas  
<[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Hicks, Matt  
<[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita  
<[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>

**Subject:** NJ ESA thoughts

We're going to schedule a call to discuss the Florida white paper this morning, but meanwhile, the attention to the NJ ESA approach in the white paper we just received reminded me of a few provisions from the NJ ESA MOA that I'd like to point out. I don't know if some things in there are tied to the previous version of the regs in force when the MOA was developed.

# Ex. 5 AC/DP

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Section  
Aquatic Ecotoxicologist  
U.S. Environmental Protection Agency, Region IV

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